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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: LAURENT SCALLIE	EXAMINER: JONES, SCOTT E.
APPLICATION No.: 10/011,023	ART UNIT: 3713
FILED: NOVEMBER 2, 2001	
FOR: MISSION CONTROL FOR GAME PLAYING SATELLITES ON NETWORK	

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

REPLY BRIEF

Dear Sir:

In response to the Examiner's Answer mailed December 1, 2006, Appellant submits this Reply Brief. For the reasons stated below: Applicant respectfully requests that the Board reverse all of the outstanding rejections.

I. ARGUMENT

A. Regarding the rejection of Claims 16 and 21 under 35 U.S.C. §102(b) as being anticipated by Wain

In assessing the Examiner's response to the Appeal Brief set forth in §10 of the Examiner's Answer, a comparison between the Examiner's Answer and the Final Office Action is dispositive. With only two minor but telling exceptions, the Examiner's Answer and the Final Office Action are identical. As a result, the Examiner has failed to address the numerous compelling counter-arguments raised by the Applicant in the Appeal Brief. (See, Appeal Brief at pp. 5-6)

In particular, Applicant explained that:

In deeming unpersuasive the arguments raised by the Applicant during prosecution, the Examiner misapplies the limited teachings of Wain. The main control device 3 of Wain simply downloads software for different games into the

RAM device 18 of entertainment machines 1. (See, e.g., col. 6, lines 31-50). Regardless of how broad the Examiner attempts to interpret the meaning of “generic game start,” it is legally impermissible to interpret “generic game start” to include downloading software for different games.

Moreover, the Examiner alleges that the “generic start” is satisfied by “insertion of one or more coins or tokens into a coin mechanism of the machine.” (See, July 2005 Office Action at §11) This is in clear contradiction to claim 16, which recites “issuing a generic game start signal from the mission control computer to a satellite computer.” Aside from not being a “generic start signal,” the coin mechanism of Wain is part of the game machine NOT main control device 3 (See, Wain at figure 1).

The same is true with respect to the “game-specific start signal” for which the Examiner claims is taught in Wain by the act of pulling a lever on a slot machine. (See, July 2005 Office Action at §11) Claim 16 recites “storing in each game-specific command set of a satellite computer at least a game-specific start signal.” Assuming *arguendo* that the pulling of a lever on a slot machine is a “game-specific start signal” (which it is not), the pulling of the lever is a mechanical act initiated by a game player, NOT something stored in each game specific command set.

Turning to the distinction between “generic start” and “specific start,” the Examiner points to insertion of coins or tokens (generic start) and pulling the slot machine handle (specific start). These mechanical actions by the game player do not teach the recited language in claim 16:

issuing a generic game start signal from the mission control computer to a satellite computer which is indexed to the game-specific start signal of the game-specific command set for a respective game program on the satellite computer in order to cause the game-specific start signal of the game-specific command set to be issued by the satellite computer for starting the game program.

Substituting the mechanical actions cited by the Examiner demonstrate the vast difference between the limited teachings of Wain and the recited invention:

issuing a [coin insertion] signal from the mission control computer to a satellite computer which is indexed to the [handle pull] signal of the game-specific command set for a respective game program on the satellite computer in order to cause the [handle pull] signal of the game-specific command set to be issued by the satellite computer for starting the game program.

Wain does not teach such a relationship between the insertion of coins and pulling of the handle. In fact, the insertion of coins is simply a pre-requisite of game play so that the entertainment establishment in which the Wain device is installed can make money.

The Examiner has not addressed any of the above counter-arguments raised in the Appeal Brief and thus concedes that these counter-arguments are persuasive.

With respect to the first difference between the Examiner's Answer and the Final Office Action, the first two sentences of the first paragraph on page 12 of the Examiner's Answer is not present in the Final Office Action. Here the Examiner states "Appellant alleges Wain does not disclose, 'storing in each game-specific command set of a satellite computer at least a game-specific start signal and a game-specific stop signal for starting and stopping a respective game program, respectively, on a satellite computer.' The Examiner respectfully disagrees." This statement is conclusory and fails to substantively address any of the counter-arguments presented in the Appeal Brief.

With respect to the second difference, the last sentence of the first paragraph on page 12 of the Examiner's Answer now states that the examiner "reasonably interprets" rather than "broadly interprets as is found in the Final Office Action. This revised argument fails to substantively address any of the counter-arguments presented in the Appeal Brief in regard to the improper interpretation of "generic start signal" by the Examiner. (See, Appeal Brief at p. 6)

In light of the persuasive, un-rebutted, counter-arguments. Applicant respectfully submits the rejection of claims 16 and 21 should be reversed.

B. Regarding the rejection of Claims 18, 19, 22, 24 and 25 under 35 U.S.C. 103(a) as being unpatentable over Wain in view of Ehrman

The Examiner responds the Applicant's arguments by merely referencing the rejection and claiming that "Applicant's arguments fail because they amount to a general allegation that

the claim defines a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.” A review of the Appeal Brief demonstrates that this allegation is patently false. The Appeal Brief, at pp. 6-7, provides ample substance with specific arguments addressing the claims at issue and references by column and line to the relevant portions of the relied upon reference.

In light of the persuasive, un-rebutted, counter-arguments, Applicant respectfully submits the rejection of claims 18-20, 22, 24 and 25 should be reversed.

C. Regarding the rejection of Claims 17 and 23 under 35 U.S.C. 103(a) as being unpatentable over Wain in view of Acres

In contrast to the previously discussed rejections, Applicant has substantively addressed the Appeal Brief. However, Applicant respectfully submits that the Examiner’s response is not compelling.

First, without explanation or recitation to the Appeal Brief, the Examiner asserts that the “Appellant has misinterpreted that the parsing of the message is based upon a command code only.” The Examiner’s assertion is irrelevant as Applicant does not make or suggest any such interpretation. Rather, Applicant points out that *Acres fails to teach parsing a log file for predetermined keywords* as recited in claim 23.

Second, the Examiner asserts that “the message includes a command code which indicates that the type of message that is parsed....” Regardless of whether this point is true or not, it is irrelevant to Applicant’s argument that Acres teaches parsing of messages *but not parsing a log file* as recited in claim 23.

Third, the Examiner asserts that “messages contain words and the command code may be words, which would equate the ‘keyword’ with ‘command code.’” As best as Applicant can understand this point, the Examiner seems to be arguing that a “command code” is a word therefore a “command code” is a “keyword.” However, the Examiner provides no support for the leap from a command code being a word to a command code being a keyword. Moreover, assuming, *arguendo*, the Examiner is correct in that a command code is a keyword, at best Acres teaches parsing of messages *but not parsing a log file* as recited in claim 23.

For the reasons stated above, Applicant respectfully submits that the rejection of claims 17 and 23 should be reversed.

D. Regarding the rejection of Claim 20 under 35 U.S.C. 103(a) as being unpatentable over Wain in view of Acres and further in view of Ehrman

In response to Applicant's argument that the section of Ehrman relied upon by the Examiner is directed to communication through chat boxes similar to Internet Relay Chat (IRC) systems, the Examiner asserts that Ehrman teaches more than IRC. In particular, the Examiner states that "the citation is directed to a player sending a message to the client run-time environment (22) which then sends the message to another player." However, such message relaying, as explicitly stated in Ehrman, is consistent with IRC. (See, Ehrman at Col. 7, lines 64-67)

Further, the Examiner asserts that a message stating that "Player 1 has declared war on Player 2" teaches an "administrative report" as recited in claim 20. However, the Examiner has failed to explain why and does not identify a passage in Ehrman to demonstrate that such a message is an "administrative report" under any reasonable interpretation of the term. (See e.g., Patent Specification at p. 3, lines 1-5) The passages of Ehrman cited by the Examiner (namely, col. 7, line 64 to col. 8, line 10, and col. 8, lines 22-34) all relate to player to player communications. Such player to player communications are nothing more than IRC message exchanges as opposed to a report for mission control as recited in claim 20. Accordingly, the Examiner has failed to demonstrate that the citation to Ehrman teaches anything other than IRC messaging rather than "administrative reports" as recited in claim 20.

In sum, neither in the sections relied upon by the Examiner (col. 7, line 64 to col. 8, line 10; and col. 8, lines 22-34) nor anywhere in the Ehrman reference is there a teaching of the generation of reports of any kind, let alone administrative reports of the particular type recited in claim 20. For the reasons stated above, Applicant respectfully submits that the rejection of claim 20 should be reversed.

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II. CONCLUSION

For the reasons stated above as well as the arguments raised in the Appeal Brief, Applicant respectfully requests that the Board reverse all of the outstanding rejections.

Respectfully submitted,

DATE: January 28, 2007

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